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Total Number of Pages in This Submission

3

Application Number	10/762,977
Filing Date	January 22, 2004
First Named Inventor	James H. Molnar
Art Unit	3618
Examiner Name	Kelley E. Campbell
Attorney Docket Number	12873.04735

ENCLOSURES (Check all that apply)

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Firm Name	Calfee, Halter & Griswold LLP
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Date	11/15/2005

Reg. No.	37,415
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IN THE UNITED STATES PATENT OFFICE

Applicant : James H. Molnar
Title of Invention: : **WHEELCHAIR SUSPENSION**
Serial No. : 10/762,977
Filing Date : January 22, 2004
Group Art Unit : 3618
Confirmation No. : 6112
Examining Attorney : Kelly E. Campbell
Attorney Docket No. : 12873/04735

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TRANSMITTAL LETTER

Please find attached a copy of a Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application in response to the Office communication dated October 25, 2005. The enclosed Terminal Disclaimer has been signed by Attorney of Record Nenad Pejic, Reg. No. 37,415. Please note that the filing fee was previously submitted with the Terminal Disclaimer received by the Patent Office on October 3, 2005. Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 03-0172, order number 12873/04735.

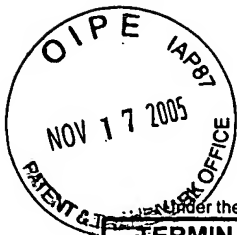
Respectfully submitted,

Date: Nov. 15, 2005

By:

Nenad Pejic

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Customer No. 24024
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PTO/SB/25 (09-04)

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

12873/04735

In re Application of: James H. Molnar

Application No.: 10/762,977

Filed: January 22, 2004

For: WHEELCHAIR SUSPENSION

The owner*, Invacare Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 09/974,348, filed on 10/10/2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,415

Nenad Pejic November 15, 2005
Signature Date

Nenad Pejic
Typed or printed name

216-622-8835
Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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